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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,570	04/24/2001	Gary Boccadutre	1647001	5425

7590 06/09/2004

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EXAMINER

SHAKERI, HADI

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/841,570	BOCCADUTRE ET AL.	
	Examiner	Art Unit	
	Hadi Shakeri	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

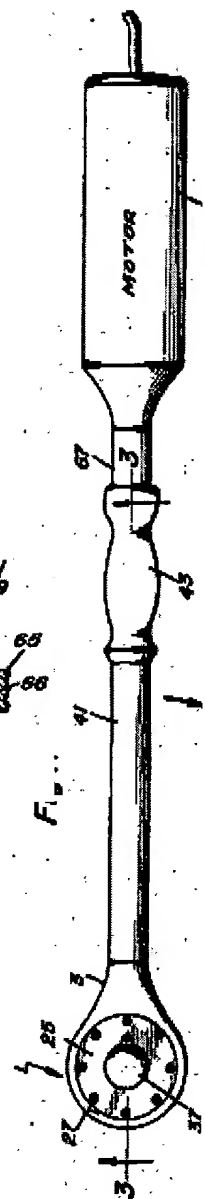
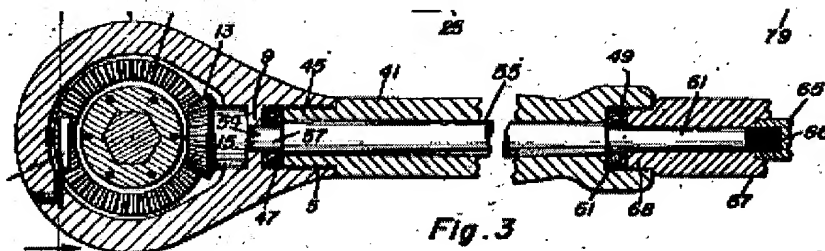
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 7, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Lampke, US Patent No. 2,808,749.

Lampke discloses all the limitations of claims 1, 3, 7, 9 and 11, i.e., power wrench comprising a handle containing a motor; a ratchet extension (41); a ratchet extension shaft 955); and a ratchet head (1).

Regarding claim 3,
wherein the extension
and shaft are removable.

Regarding claims
7 and 9, wherein the heads and the handle are removable, and the extension and the shaft are "fixedly" attached to the handle and the head respectively (fixedly is considered as a fixed attachment and not "unitary").

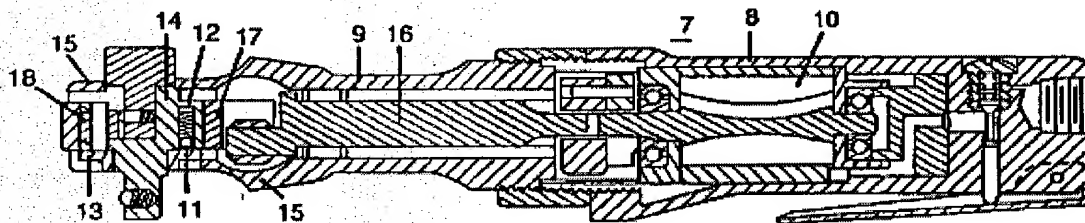


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4. Claims 1, 3, 5, 7, 9 and 11 (as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's Admitted Prior Art (AAPA).

As admitted by the Applicant, lines 135 and 236, power ratchet wrench extensions as shown in Fig. 3 are old, thus meeting the claims limitations as explained above.

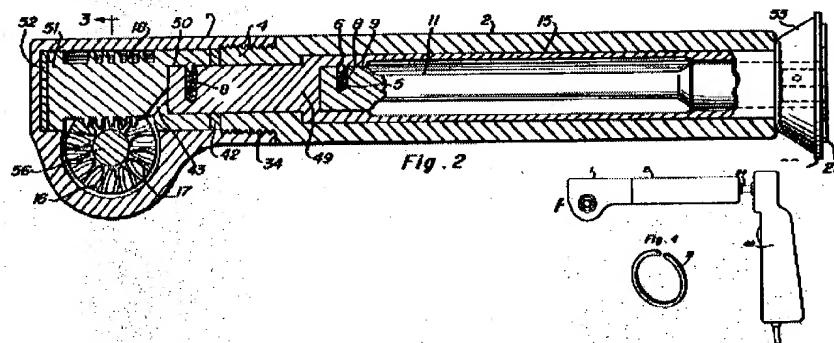
5. Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by D' Haem et al., US Patent No. 4,791,836.



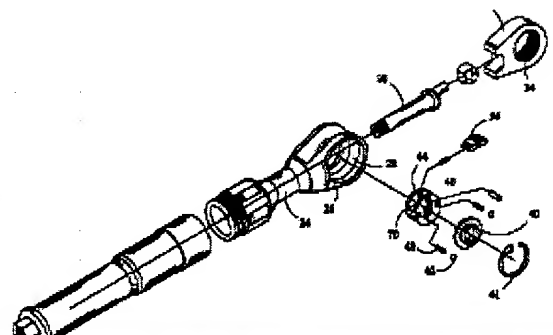
D' Haem et al. clearly anticipates the above claims, e.g., Fig. 2.

6. Claims 1, 3, 7, 9 and 11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hendrickson, US Patent No. 3,430,510.

Hendrickson clearly anticipates the above claims, e.g., Figs. 2 and 5.



7. Claims 1, 3, 7, 9 and 11 (as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Pijanowski, US Patent No. 5,967,002.



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Pijanowski anticipates the above claims as best understood, i.e., handle (23); a head removable from the handle, an extension and an extension shaft (23).

8. Claims 1, 3, 5, 7, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Frenkel (5,709,136).

Frenkel discloses all the limitations of claims 1, 3, 5, 7, 9 and 11, i.e., power wrench comprising a handle containing a motor; ratchet extensions (14) (14'); ratchet extension shafts (34); and a ratchet head (12).

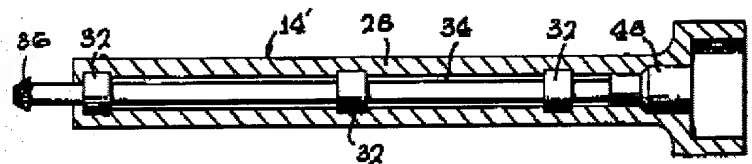
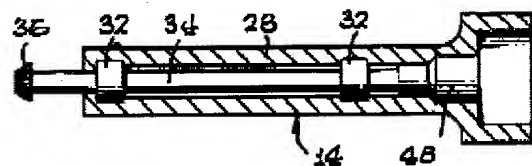


FIG. 6



Regarding claim 3, wherein the extension and shaft are removable.

Regarding claim 5, plurality of extensions and shafts.

Regarding claims 7 and 9, wherein the heads and the handle are removable, and the extension and the shaft are "fixedly" attached to the handle and the head respectively.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 4, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over anyone of Lampke, AAPA, D' Haem et al., Hendrickson and Pijanowski.

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Each of the above mentioned prior art meets the limitations of the above claims except for disclosing an extension and a shaft having a length between 6 to thirty inches. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use an extension and a corresponding shaft having a length of approximately 6-30", since it has been held that changing shape, dependent on work-piece parameters, involves only routine skill in the art. *In re Stevens*, 101 US PQ 284(CCPA1954).

11. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frenkel.

Frenkel meets all of the limitations of claims 6, including plurality of extensions for reaching remote zones of varying distances (e.g., col. 1, line 49), except for disclosing the range or a specific size of the extensions.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use an extension and a corresponding shaft having a length of approximately between 6"-30", e.g., 8" for reaching a corresponding zone, since it has been held that changing shape, dependent on work-piece parameters, involves only routine skill in the art. *In re Stevens*, 101 US PQ 284(CCPA1954) and as suggested by Frenkel.

Response to Arguments

12. Applicant's arguments filed 03/19/04 have been fully considered but they are not persuasive. The arguments with regards to the references applied, e.g., Lampke, that it teaches shortening the length, or that the extension is not coaxial, fails to indicate what claim limitations are not met. It appears, e.g. page 16 of the remarks, lines 1 and 2, that the argument is the improvement of the substantial extension of the distance between the handle and the ratchet head, however, the references applied under 35 USC 102(b) all meet the claimed invention as recited.

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13. The Affidavits filed on 03/19/2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the above references. The above references as applied to claims 1, 3, 5, 7, 9 and 11 are statutory bar under 35 U.S.C. 102(b) and thus cannot be overcome by an affidavit or declaration under 37 CFR 1.131. With regards to the rejections under 35 USC 103 (a), the statement of an unfulfilled need and that in excess of fifty years none of the prior art power assisted lever arm ratchets embody or even suggest the novel features of the invention, it is noted that every one of references applied meets all the limitations as recited, e.g., an extension, except for the length, and at least one, i.e., Frenkel, explicitly discloses using different length depending on the varying distances of the fastener thus the argument that one of ordinary skill in the art would not be motivated to use for example an eight inch extension (which would meet the claims as recited) to work on a fastener requiring an eight inch extension to reach, is not persuasive. Applicant's arguments with respect to claims 5 and 6 (Lampke in view of Bogli) have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hadi Shakeri at (703) 308-6279, FAX (703) 746-3279 for unofficial documents. The examiner can normally be reached on Monday-Thursday, 7:30 AM to 6:00 PM. All official documents may be faxed to (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist at (703) 308-1148.



Hadi Shakeri
Patent Examiner
June 3, 2004